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DIESEL U.S.A., INC.

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 MEGAN LABRADOR, individually and on
22 behalf of all others similarly situated,

23 Plaintiff,

24 v.

25 DIESEL U.S.A., INC., a New York Corporation

26 Defendant.
27
28

Case No. CV-11-0014 (CRB)

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Hon. Charles R. Breyer

1 Plaintiff Megan Labrador (“Plaintiff”) and Defendant Diesel U.S.A., Inc. (“Defendant”),
2 by and through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, this case was originally filed in California state court but removed to this
4 Court on January 3, 2011;

5 WHEREAS, Plaintiff has recently retained Kerr & Wagstaffe LLP to serve as co-counsel
6 for Plaintiff in this putative class action;

7 WHEREAS, Plaintiff intends to file an amended complaint, in part to address issues
8 raised by Defendant during the initial meet and confer;

9 WHEREAS, the parties are currently discussing whether Defendant will stipulate to such
10 amendment;

11 WHEREAS, if Defendant does not agree to such a stipulation, Plaintiff intends to seek
12 leave to do so by noticed motion, and Defendant reserves the right to oppose any such motion;

13 WHEREAS, the Initial Case Management Conference is currently set for Friday, May 6,
14 2011 at 8:30 a.m.

15 WHEREAS, the parties agree that it would be more efficient for them and the Court to
16 conduct a Case Management Conference after the anticipated amendment, and that Kerr &
17 Wagstaffe LLP will need a few weeks to finish meeting and conferring with Defendant’s counsel
18 concerning the Case Management Conference topics as required under the rules and the Court’s
19 standing order;

20 WHEREAS, the parties agree that, pursuant to Fed. R. Civ. Proc. 26(d)(1), neither party
21 will seek discovery from any source until the parties have met and conferred regarding the
22 allegations of Plaintiff’s anticipated amendment.

23 THEREFORE, the Parties hereby submit this Stipulated Request for an Order Continuing
24 the Case Management Conference to June 17, 2011, or to another date or time thereafter and
25 convenient to the Court’s calendar. The Parties also request that the deadlines to meet and
26 confer in advance of the conference and to file a joint case management statement be continued
27 according to the date of the continued case management conference and the Court’s Order
28 Setting Case Management Conference, dated March 8, 2011.

IT IS SO STIPULATED

DATED: April 21, 2010

KERR & WAGSTAFFE LLP

By /s/
MICHAEL NG

Attorneys for Plaintiffs
MEGAN LABRADOR

DATED: April 21, 2010

ARENT FOX LLP

By /s/
HARRY I. JOHNSON

Attorneys for Defendant
DIESEL U.S.A., INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 22, 2011

